



RESOLUTION NO. 01 – 2018

ADOPTING NEW POLICY GUIDELINES IN THE DRAFTING OF ARBITRAL AWARDS/DECISIONS AND SUBMISSION OF COPIES THEREOF TO THE CIAC FOR PROMULGATION IN PLACE OF ANNEX A OF CIAC RESOLUTION NO. 03-2006

WHEREAS, CIAC Resolution No. 03-2006 (Policy Guidelines in the Drafting of Decision and Submission of Copies Thereof to the CIAC for Scrutiny and Promulgation) was passed by the Commission to ensure the confidentiality of awards rendered by CIAC arbitrators during the period of drafting and submission to the Commission for scrutiny and promulgation;

WHEREAS, the scrutiny of awards by the Commission was, however, discontinued under CIAC Resolution Nos. 02-2012 and 06-2012 due to the lack of sufficient time and resources necessary for a diligent and competent review of arbitral decisions rendered in the cases filed with the CIAC; and

WHEREAS, the provisions of CIAC Resolution No. 03-2006, particularly those contained in Annex A thereof which are intended to ensure confidentiality, are still relevant and necessary subject, however, to modifications to enhance efficiency in the submission and promulgation of CIAC arbitral awards/decisions;

NOW THEREFORE, THE COMMISSION, after due deliberation in its 200th Regular Meeting, **RESOLVES**, as it is hereby **RESOLVED**, to adopt the following new policy guidelines in place of Annex A of CIAC Resolution No. 03-2006:

POLICY GUIDELINES IN THE DRAFTING OF ARBITRAL AWARDS/DECISIONS AND SUBMISSION OF COPIES THEREOF TO THE CIAC FOR PROMULGATION

To safeguard the confidentiality of the awards/decisions of construction arbitrators during the drafting thereof and submission of the same to the CIAC for promulgation, the following policy guidelines are hereby adopted for strict implementation:

1. PREPARATION OF FINAL AWARD/DECISION BY THE ARBITRATORS:

- 1.1 All arbitrators are enjoined to draft and finalize their arbitral awards/decisions on their own in strict confidence. They shall never discuss the merits thereof with the staff-in-charge or with their co-arbitrators who are not members of the Tribunal, except when recourse thereto is necessary for the purpose of securing legal or technical opinion.

1.2 Where secretarial work is needed by the Arbitral Tribunal, the same shall be coursed through the assigned staff-in-charge assisting the Arbitral Tribunal with instruction neither to divulge nor discuss the contents thereof to no one else.

2. SUBMISSION OF DECISION FOR PROMULGATION

2.1 Awards/decisions prepared outside of CIAC shall be signed by the arbitrator/s and submitted to CIAC in sufficient copies (*one copy for each of the parties, and one copy for the Commission*) **including an electronic copy of the signed award/decision**. All copies shall **be sealed in individual envelopes** with the sealing tape signed by the **Sole Arbitrator or the Arbitral Tribunal or at least one of its members**. Upon receipt thereof, the CIAC Executive Director **or his/her authorized representative** shall likewise sign on the sealing tape.

2.1.1 Where insufficient copies are submitted to CIAC and reproduction thereof becomes necessary, the **electronic copy** shall be opened and printed by the **CIAC staff assigned for the case**. **The printed copies** shall then be **put in individual envelopes and** sealed in the presence of the **Sole Arbitrator or the Arbitral Tribunal or at least one of its members**. The **Sole Arbitrator or the Arbitral Tribunal or at least one of its members** and the CIAC Executive Director **or his/her authorized representative** shall then affix their signatures on the sealing tape.

2.2 When an **award/decision** is finalized at the CIAC office, reproduction of sufficient copies shall be made under the watch of the CIAC staff assigned for said case. Thereafter, the copies intended for the parties and the **Commission** shall be **put in individual envelopes and** sealed by the CIAC **staff assigned for said case** in the presence of the **Sole Arbitrator** or the Arbitral Tribunal **or at least one of its members**. The sealing tape shall be jointly signed by the **Sole Arbitrator** or the Arbitral Tribunal **or at least one of its members** and the CIAC Executive Director **or his/her authorized representative**.

3. PROMULGATION/RELEASE OF AWARD/DECISION

3.1 **The sealed copies of the awards/decisions shall be promulgated by the CIAC Secretariat subject to the full payment of the arbitration fees. The date of promulgation (date of Notice of Award) shall be stamped on the sealed envelopes.** The sealed copies intended for the parties **shall be attached to the Notice of Award** signed by the CIAC Executive Director.

3.2 Subject to the full payment of the arbitration fees, **the** Notice of Award with the attached **sealed** copy of the **award/decision** shall be sent to the counsel of record or to the parties themselves, if they are not represented by counsel.

3.3 The copy of the **award/decision** intended for CIAC shall only be opened **for filing** after the Notices of Award have been sent to the parties or their counsel.

Breach of the CIAC rule on confidentiality shall be subject to sanctions provided for under the Administrative Code and other pertinent laws, rules and regulations.

This resolution shall take effect immediately.


UNANIMOUSLY APPROVED.

17 January 2018, Makati City.

THE COMMISSION:



MANUEL M. COSICO
Chairman



ANTONIO A. ABOLA
Member



EMILIO LOLITO J. TUMBOCON
Member